

**AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims**

Claims 1-18 (Cancelled)

Claim 19 (Currently Amended): An isolated constitutive promoter capable of driving and/or regulating expression, comprising:

- (a) an isolated nucleic acid sequence comprising the sequence of SEQ ID NO: 18 ~~or a nucleic acid sequence complementary to the sequence of SEQ ID NO: 18~~; or
- (b) an isolated nucleic acid sequence having at least 99% ~~90%~~ sequence identity to the sequence of SEQ ID NO: 18; ~~or~~
- (c) ~~an isolated nucleic acid sequence of at least 15 nucleotides in length specifically hybridizing under stringent conditions with the sequence of SEQ ID NO 18; or~~
- (d) ~~an isolated nucleic acid as defined in any one of (a) to (c), which is interrupted by an intervening sequence selected from the group consisting of an intron, a transposon, an alternative splice variant or a nucleic acid tag; or~~
- (e) ~~a fragment of any of the nucleic acids as defined in (a) to (d), which fragment is capable of driving and/or regulating expression.~~

Claim 20 (Previously presented): The promoter according to claim 19, which is a hybrid promoter comprising at least one part of a promoter as defined in claim 19 and further comprising another part of a promoter.

Claim 21 (Previously presented): A genetic construct comprising:

- (a) an isolated promoter as defined in claim 19; and

- (b) a heterologous nucleic acid sequence operably linked to said promoter of (a); and optionally
- (c) a 3' transcription terminator.

Claim 22 (Previously presented): An expression cassette comprising a genetic construct as defined in claim 21.

Claim 23 (Previously presented): A transformation vector comprising a genetic construct as defined in claim 21.

Claim 24 (Previously presented): An expression vector comprising a genetic construct as defined in claim 21.

Claim 25 (Previously presented): A host cell comprising an isolated promoter as defined in claim 19.

Claims 26-29 (Cancelled).

Claim 30 (Previously presented): The host cell according to claim 25, selected from the group consisting of a bacteria, algae, fungi, yeast, plant, insect and animal host cell.

Claim 31 (Previously presented): A transgenic plant cell comprising an isolated promoter as defined in claim 19.

Claims 32-35 (Cancelled).

Claim 36 (Previously presented): The transgenic plant cell according to claim 31, which is a monocot plant cell.

Claim 37 (Previously presented): The transgenic plant cell according to claim 31, which is a dicot plant cell.

Claim 38 (Previously presented): A transgenic plant comprising a transgenic plant cell as defined in claim 31.

Claim 39 (Previously presented): The transgenic plant according to claim 38, wherein said plant is selected from the group consisting of rice, maize, wheat, barley, millet, oats, rye, sorghum, soybean, sunflower, canola, sugarcane, alfalfa, bean, pea, flax, lupinus, rapeseed, tobacco, tomato, potato, squash, papaya, poplar and cotton.

Claim 40 (Previously presented): A plant part as defined in claim 39.

Claim 41 (Previously presented): The plant part as defined in claim 40, selected from the group consisting of a harvestable part, a propagule and progeny of the plant.

Claim 42 (Previously presented): A method for driving and/or regulating expression of a nucleic acid in a plant or plant cell, comprising:

- (a) operably linking said nucleic acid to any one of the isolated nucleic acids as defined in claim 19, and
- (b) introducing the resultant genetic construct into a plant or plant cell.

Claim 43 (Previously presented): The method according to claim 42, wherein said expression is constitutive or tissue-specific.

Claim 44 (Previously presented): A method for the production of a transgenic plant, comprising:

- (a) introducing into a plant cell an isolated promoter as defined in claim 19, and
- (b) cultivating said plant cell under conditions promoting plant growth.

Claim 45 (Previously presented): A method for the production of a transgenic plant, comprising:

- (a) introducing into a plant cell a genetic construct as defined in claim 21, and
- (b) cultivating said plant cell under conditions promoting plant growth.

Claim 46 (Previously presented): A method for the production of a transgenic plant, comprising:

- (a) introducing into a plant cell an expression cassette as defined in claim 22, and
- (b) cultivating said plant cell under conditions promoting plant growth.

Claim 47 (Previously presented): A method for the production of a transgenic plant, comprising:

- (a) introducing into a plant cell a transformation vector as defined in claim 23, and
- (b) cultivating said plant cell under conditions promoting plant growth.

Claim 48 (Previously presented): A method for the production of a transgenic plant, comprising:

- (a) introducing into a plant cell an expression vector as defined in claim 24, and

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(b) cultivating said plant cell under conditions promoting plant growth.

Claim 49 (Cancelled).